

NCLT, KOCHI BENCH

Daily Orders – Draft

In the Bench of: Shri Ashok Kumar Borah, Member (Judicial)

Date: 7th April 2021

1 CA/35/KOB/2021 IN TCP/55/KOB/19 (C.P.172 OF 2019)

Learned counsel for the Applicant Shri Vijay V. Paul as well as learned senior counsel for R1 Shri Joseph Kodianthara and learned counsel for R2 to R5 Shri Akhil Suresh appeared through VC. Orders pronounced. **CA/35/KOB/2021 IN TCP/55/KOB/19 (C.P.172 OF 2019) stands disposed of vide separate order.**

2 IA(IBC)/71/KOB/2021 IN TCP/59/KOB/2019

No response from both the parties. Adjourned to **26.04.2021**.

3 IA(IBC)/64/KOB/2021 IN IBA/52/KOB/2019

Learned counsel for the applicant Shri Shivshankar R. Panicker as well as learned RP Shri George Varkey appeared through VC along with his learned counsel Shri Vinod PV. Heard both sides. **Orders reserved. List for pronouncement of orders on 20.04.2021.**

4 IA(IBC)/49/KOB/2021 IN IBA/42/KOB/2020

Learned counsel for the applicant Shri G. Sivasankar as well as learned counsel for the Financial Creditor Shri Vinod PV appeared through VC. Shri Vinod sought time to file the counter in the IA. He may do so within one week positively. List on **20.04.2021**.

5 IBA/42/KOB/2020

Learned counsel for the Financial Creditor Shri Vinod PV as well as learned counsel for the Corporate Debtor Shri G. Sivasankar appeared through VC. Shri Sivasankar submitted that he wants to produce some additional documents in this case. He may file the documents within one week. List on **20.04.2021** for final hearing.

6 IBA/43/KOB/2020

Learned counsel for the Financial Creditor Shri Vinod PV appeared through VC. Learned counsel for the Respondent Shri Mohan Pulickkal submitted an email seeking an adjournment stating that he is strained to leave station very urgently on an unavoidable family matter.

Adjourned to **20.04.2021** for hearing.

7 IBA/44/KOB/2020

Learned counsel for the Financial Creditor Shri Vinod PV appeared through VC. Learned counsel for the Respondent Shri Mohan Pulickkal submitted an email seeking an adjournment stating that he is strained to leave station very urgently on an unavoidable family matter.

Adjourned to **20.04.2021** for hearing.

8 IBA/45/KOB/2020

Learned counsel for the Financial Creditor Shri Vinod PV appeared through VC. Learned counsel for the Respondent Shri Mohan Pulickkal submitted an email seeking an adjournment stating that he is strained to leave station very urgently on an unavoidable family matter.

Adjourned to **20.04.2021** for hearing.

9 CP(IB)/4/KOB/2021

Learned counsel for the Petitioner Shri Nidhi Sam John appeared through VC. None has appeared for the Corporate Debtor even though link was provided.

Vide order dated 15.03.2021 the CD was directed to file the counter within two weeks, ie on or before 30.03.2021. But no counter has been filed. Instead, the learned PCS for the CD submitted an email seeking an adjournment stating that he could not file the counter as the Director has been hospitalised.

This is an IB case filed on 18.01.2021 under Section 9 of IBC by the Operational Creditor Shri Kamlesh Gupta against the Corporate Debtor M/s. Blaze Polypacks (India) Pvt Ltd. Hence this Tribunal cannot adjourn the matter indefinitely. The request of the learned PCS for the Corporate Debtor for an adjournment is granted provided the Corporate Debtor pay the costs of **Rs.5,000/- (Rupees five thousand only)** to the **"PM Cares Fund"** within one week from today and submit

proof of payment along with the Counter Affidavit before the next date of hearing. The CD is also directed to file counter within a week. The OC may file the rejoinder, if any, well before the next date fixed.

Registry is directed to issue copy of this order to the learned counsel/PCS of both the parties through email. **List on 28.04.2021 for hearing.**

10 IA/50/KOB/2019 IN TCP/34/KOB/2019

Learned senior counsel for the applicant Shri Joseph Kodianthara appeared through VC and sought an adjournment stating that he is engaged in urgent matters before the Hon'ble High Court of Kerala. Shri Renjith Rajappan stated through email that he has already filed vakalath for the petitioners in TCP No.34 of 2019, which is listed today, but his name is not shown in the list. Registry is directed to include his name in the cause list without fail. Learned senior counsel Shri P.K.Suresh Kumar appeared through VC on behalf of Shri Renjith Rajappan. Learned counsel for R13 & R14 Shri Rajesh Narayanan Iyer sought an adjournment through email stating that due to personal inconvenience he has not been able to prepare the counter affidavit. Learned PCS for R11, R15 – R18 Shri Zibi Jose expressed willingness to appear through VC. No response from R12.

Adjourned to 17.05.2021.

11 IA/66/KOB/2020 IN TCP/34/KOB/2019

Shri Renjith Rajappan stated through email that he has already filed vakalath for the petitioners in TCP No.34 of 2019, which is listed today, but his name is not shown in the list. Registry is directed to include his name in the cause list without fail. Learned senior counsel Shri P.K.Suresh Kumar appeared through VC on behalf of Shri Renjith Rajappan. Learned senior counsel for the R1-R3 Shri Joseph Kodianthara appeared through VC and sought an adjournment stating that he is engaged in urgent matters before the Hon'ble High Court of Kerala. Learned counsel for R6 & R7 Shri Rajesh Narayanan Iyer sought an adjournment through email stating that due to personal inconvenience he has not been able to prepare the counter affidavit. Learned PCS for R11, R15 – R18 Shri Zibi Jose expressed willingness to appear through VC. No response from R 5.

Adjourned to 17.05.2021 for hearing.

12 IA/67/KOB/2020 IN TCP/34/KOB/2019

Shri Renjith Rajappan stated through email that he has already filed vakalath for the petitioners in TCP No.34 of 2019, which is listed today, but his name is not shown in the list. Registry is directed to include his name in the cause list without fail. Learned senior counsel Shri P.K.Suresh Kumar appeared through VC on behalf of Shri

Renjith Rajappan. Learned senior counsel for the R1-R3 Shri Joseph Kodianthara appeared through VC and sought an adjournment stating that he is engaged in urgent matters before the Hon'ble High Court of Kerala. Learned counsel for R6 & R7 Shri Rajesh Narayanan Iyer sought an adjournment through email stating that due to personal inconvenience he has not been able to prepare the counter affidavit. Learned PCS for R11, R15 – R18 Shri Zibi Jose expressed willingness to appear through VC. No response from R5.

Adjourned to 17.05.2021 for hearing.

13 IA/204/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for the applicant Shri Joseph Kodianthara appeared through VC and sought an adjournment stating that he is engaged in urgent matters before the Hon'ble High Court of Kerala. Learned counsel for R3 Shri Rajesh Narayanan Iyer appeared through VC. Learned counsel for R3 Shri Rajesh Narayanan Iyer sought an adjournment through email stating that due to personal inconvenience he has not been able to prepare the counter affidavit. Shri Renjith Rajappan stated through email that he has already filed vakalath for the petitioners in TCP No.34 of 2019, which is listed today, but his name is not shown in the list. Registry is directed to include his name in the cause list without fail. Learned senior counsel Shri P.K.Suresh Kumar appeared through VC on behalf of Shri Renjith Rajappan.

Adjourned to 17.05.2021 for hearing.

14 CA/9/KOB/2021 IN TCP/34/KOB/2019

Shri Renjith Rajappan stated through email that he has already filed vakalath for the petitioners in TCP No.34 of 2019, which is listed today, but his name is not shown in the list. Registry is directed to include his name in the cause list without fail. Learned senior counsel Shri P.K.Suresh Kumar appeared through VC on behalf of Shri Renjith Rajappan. Learned senior counsel for the R2&R3 Shri Joseph Kodianthara appeared through VC and sought an adjournment stating that he is engaged in urgent matters before the Hon'ble High Court of Kerala. Learned counsel for R3 Shri Rajesh Narayanan Iyer appeared through VC. Learned counsel for R4 & R5 Shri Rajesh Narayanan Iyer sought an adjournment through email stating that due to personal inconvenience he has not been able to prepare the counter affidavit. Learned counsel for R1 Shri Vinod PV expressed willingness to appear through VC .

Adjourned to 17.05.2021 for hearing.

15 TCP/34/KOB/2019

Shri Renjith Rajappan stated through email that he has already filed vakalath for the petitioners in TCP No.34 of 2019, which is listed today, but his name is not shown in the list. Registry is directed to include his name in the cause list without fail. Learned senior counsel Shri P.K.Suresh Kumar appeared through VC on behalf of Shri Renjith Rajappan. Learned senior counsel for the R1-R3 Shri Joseph Kodianthara appeared through VC and sought an adjournment stating that he is engaged in urgent matters before the Hon'ble High Court of Kerala. Learned counsel for R6 & R7 Shri Rajesh Narayanan Iyer sought an adjournment through email stating that due to personal inconvenience he has not been able to prepare the counter affidavit. Learned PCS for R4, R8-R11 Shri Zibi Jose expressed willingness to appear through VC. No response from R5.

Adjourned to 17.05.2021 for hearing.

**16 TIA/131/KOB/2020 (CA/228/CHENNAI BENCH) IN
TCP/53/KOB/2019 (CP/33/2017/CHENNAI BENCH)**

None has appeared for the applicants. Learned senior counsel for R1 Shri Joseph Kodianthara appeared through VC and sought an adjournment stating that he is engaged in urgent matters before the Hon'ble High Court of Kerala. No response from R3.

Adjourned to 17.05.2021 for hearing.

17 TCP/53/KOB/2019 (CP/33/17)

No response from the applicant. Learned senior counsel for the R1-R3 Shri Joseph Kodianthara appeared through VC and sought an adjournment stating that he is engaged in urgent matters before the Hon'ble High Court of Kerala.

Adjourned to 17.05.2021 for hearing.

**18 TCP/58/KOB/2020 (Writ Petition no.5442/2019 of High Court of Kerala)
WITH CAVEAT NO. 17/KOB/2020**

None has appeared for the Petitioners even though link was provided. Learned counsel for R20 Shri Nelson Joseph appeared through VC. He sought an adjournment to enable him to collect more details from his client.

Vide order dated 05.03.2021 the petitioners were directed to issue fresh notice to R7 & R15 and submit proof of service with an affidavit on or before 06.04.2021. But the petitioners have not filed the same till date. The petitioners are directed to file the

proof of service (A/d card or Postal Track Report) with an affidavit within two weeks, failing which law will take its own course.

List on 18.05.2021. Registry is directed to issue copy of this order to the learned counsel of the respective parties through email.

**19 TCP/59/KOB/2020 (Writ Petition no.5375/2019 of High Court of Kerala)
WITH CAVEAT NO.16/KOB/2020**

None has appeared for the Petitioners even though link was provided. Learned counsel for R20 Shri Nelson Joseph appeared through VC. He sought an adjournment to enable him to collect more details from his client.

Vide order dated 05.03.2021 the petitioners were directed to issue fresh notice to R6, R8 & R16 and submit proof of service with an affidavit on or before 06.04.2021. But the petitioners have not filed the same till date. The petitioners are directed to file the proof of service (A/d card or Postal Track Report) with an affidavit within two weeks, failing which law will take its own course.

List on 18.05.2021. Registry is directed to issue copy of this order to the learned counsel of the respective parties through email.

20 TCP/60/KOB/2020 (Writ Petition no.24764/2018 of High Court of Kerala)

No response from both the parties. Adjourned to 18.05.2021.

21 TCP/61/KOB/2020 (Writ Petition no.13385/2019 of High Court of Kerala)

Learned counsel for the Petitioner Shri Pranoy Harilal appeared through VC. Vide order dated 05.03.2021 the respondents viz: (1) Union of India and (2) ROC, Kerala were directed to file their counter within three weeks. But no response from the respondents. Respondents are again directed to file their counter within two weeks. **List on 18.05.2021.**

22 TCP/62/KOB/2020 (Writ Petition no.22206/2015A of High Court of Kerala)

None has appeared for the Petitioner even though link was provided to the learned counsel of the petitioner. Vide order dated 05.03.2021 the respondents viz: (1) ROC, Kerala (2) Shri O.P. Achuthankutty and (3) RD, Chennai were directed to file their counter within three weeks. But no response from the respondents. Respondents are again directed to file their counter within two weeks. **List on 18.05.2021.**

23 TCP/63/KOB/2020 (Writ Petition no.22211/2015B of High Court of Kerala)

None has appeared for the Petitioner even though link was provided to the learned counsel of the petitioner. Vide order dated 05.03.2021 the petitioner was directed to issue fresh notice to R2 & R3 and submit proof of service with an affidavit on or before 06.04.2021. But the petitioners have not filed the same till date. The petitioners are directed to file the proof of service (A/d card or Postal Track Report) with an affidavit within two weeks, failing which law will take its own course.

List on 18.05.2021. Registry is directed to issue copy of this order to the learned counsel of the petitioner through email.

24 TCP/64/KOB/2020 (Writ Petition no.22180/2015V of High Court of Kerala)

None has appeared for the Petitioner even though link was provided to the learned counsel of the petitioner. Vide order dated 5.03.2021 the respondents were directed to file the counter within 3 weeks. But no response from the respondents. Respondents are again directed to file their counter within two weeks. **List on 18.05.2021.**

25 TCP/65/KOB/2020 (Writ Petition no.2649/2014 of High Court of Kerala)

Learned counsel of the Petitioner Shri Nelson Joseph appeared through VC. He sought an adjournment to enable him to collect more details from his client.

Vide order dated 05.03.2021 the petitioner was directed to issue fresh notice to R4 & R6 and submit proof of service with an affidavit on or before 06.04.2021. But the petitioners have not filed the same till date. The petitioners are directed to file the proof of service (A/d card or Postal Track Report) with an affidavit within two weeks, failing which law will take its own course.

The respondents are also again directed to file their counter within two weeks.

List on 18.05.2021. Registry is directed to issue copy of this order to the learned counsel of the petitioner through email.

26 CP/22/KOB/2020

Learned counsel for the Petitioners Shri Niranjana Sudheer appeared through VC. Learned counsel for R3 & R4 Smt Fiyona Johnson and learned PCS for R2 Shri Yogindunath also appeared through VC.

It appears from records that even though notice was duly served none has appeared for R1. Shri Yogindunath submitted that even though earlier he filed a Caviat for R1 also, he now represents only R2. Since there is no representation for R1, **R1 is hereby set ex parte.**

Registry is directed to issue copy of this order to the learned counsel of the respective parties through email. **List on 19.05.2021 for hearing.**

27 CP/34/KOB/2020

Learned counsel for the petitioner Shri S.Krishnamoorthy as well as learned PCS for R1 to R4 Shri Yogindunath appeared through VC. Both counsel stated that they have already received the additional report filed by the Auditor. However, Registry reported that the same is not received by them. The Auditor is directed to file the additional report with this Registry immediately. Both counsel sought time to file a reply to the report. Two weeks' time is granted. List on **20.05.2021 for hearing.**

28 CP/37/KOB/2020

Learned counsel for the Petitioner Shri K. Biju as well as learned counsel for R1 & R2 Shri V. Premchand appeared through VC.

It appears from records that rejoinder has not yet been filed by the Petitioner. Shri Biju submitted that settlement talks are going on in this case and that is why the delay in filing the rejoinder.

Anyhow, list on 18.05.2021 for hearing. Before that date, the petitioner may file the settlement memo / rejoinder, if any.

29 CA/09/KOB/2021

None appeared for the appellant today. Today the case is posted for the report of ROC. It appears from records that ROC was directed to file his report in this case vide orders dated 4.03.2021 and reminded on 15.03.2021 and 31.03.2021. But ROC has not yet filed his report nor sought time for filing report. ***ROC is directed to file his report on or before the next date fixed, failing which law will take its own course. Registry is directed to issue copy of this order to ROC through special messenger.***

List on 23.04.2021 for hearing.

30 CP/12/KOB/2020

Learned counsel for the Petitioner Shri Jagan Abraham M. George expressed willingness to appear through VC. However, learned senior counsel for R1 to R4 Shri Joseph Kodianthara sought an adjournment stating that he is engaged in urgent matters before the Hon'ble High Court of Kerala.

Adjourned to 24.05.2021.